

*Transmitted Via Facsimile to (571) 273-8300*Docket No. 135270 (553-1044)
PATENT**REMARKS**

Claims 1-5, 7-19 and 21-27 are pending in this application after this Amendment. Claims 1-28 have been rejected. Claims 6, 20 and 28 have been canceled without prejudice or disclaimer of the subject matter therein. No new matter has been added. It is respectfully submitted that the pending claims define allowable subject matter.

Claims 1-25, 27 and 28 have been rejected under 35 U.S.C. §102(e) as being anticipated by Brady et al. (U.S. Patent 7,200,612), hereafter Brady. Claim 26 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Brady in view of Giger et al. (U.S. Patent Application Publication 2001/0043729), hereafter Giger. Claims 1-25 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Brady in view of Giger and further in view Schultz (U.S. Patent 6,735,329). Applicants respectfully traverse these rejections for at least the reasons set forth hereafter.

Brady is directed to a system for processing data for interpretation wherein the submission of data (such as image data) obtained locally from instrumentation is provided automatically to a remote database that grows over time (abstract). The information in the database is from multiple users that may be produced from a plurality of geographically separate sites. In particular, the database 20 includes an interpretation database 22 that stores interpretations produced by different users and an intelligent information database 23 that stores a set of intelligent agents 24 that produce statistical generalizations about particular users, groups of users, classes of data, etc. Additionally, software is provided to develop training programs from the information in the database 20 that can include user-supplied examples and examples chosen by the intelligent agent 24 from the database 20 (column 5, line 23 to column 6, line 58).

Schultz is directed to a method for image recognition and association wherein a collection or library of images drawn from surgical procedures is created. A set of images may be based on a surgical procedure with each image representing a different step of the procedure. Text may be associated with each of the images and the optimum or best step or action within a given procedure may be identified (column 4, line 50 to column 5, line 24).

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Independent claim 1, as amended, recites a knowledge-based diagnostic imaging system comprising, among other elements, a controller “for accessing said database based on said new patient data set and providing automated instructions and wherein said diagnostic equipment compares new and past patient data sets to determine whether additional information is needed.” Moreover, independent claim 12, as amended, recites a method for providing knowledge-based diagnostic imaging that includes, among other elements “comparing new and past patient data sets and determining whether additional information is needed based on said comparison.” Additionally, independent claim 21, as amended, recites a network comprising, among other elements, a controller “for accessing said past patient images based on said new patient images and providing automated instructions and wherein said diagnostic equipment determines whether additional information is needed from an operator after comparing said new patient image to said past patient images.” The cited prior art does not teach such a system, method or network as recited.

Applicants have amended claim 1 to include the subject matter of claim 6. Applicants also have amended claim 12 to include the subject matter of claim 20. Applicants have additionally amended claim 21 to include the subject matter of 28. Each of these independent claims now variously recites comparing new and past patient data sets to determine whether additional information is needed. The Office Action at page 5 asserts that Brady compares new and past patient data sets to determine whether additional information is needed as the “system can seek out additional information...” However, this collection of information in Brady is not based on and has nothing to do with the comparison of data, for example, from different sites in the system of Brady. The collection of this additional information is to provide more information regarding the individual images and the operating conditions or characteristics in which the images were separately acquired (e.g., scanner settings, viewing axis, etc.). The system of Brady does not analyze or compare different images and then determine whether this additional information is needed. The comparison of images is used in Brady to analyze the images and not to determine what additional information is needed. Moreover, the system of Brady is only obtaining additional information that is already known.

Additionally, the Schultz and Giger references fail to make up for the deficiencies in the Brady reference. The system described in the Schultz reference compares images only to

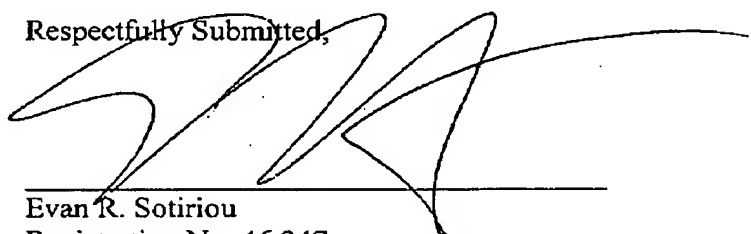
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determine what text to include in connection with the images and not to determine what additional information is needed. The system described in the Giger reference only analyzes individual images to determine if a malignancy is present and not to determine what additional information is needed. Accordingly, Applicants submit that independent claims 1, 12 and 21 are allowable over the cited prior art.

Moreover, Applicants submit that dependent claims 2-5, 7-11, 13-19 and 22-27 are likewise patentable over the cited art based at least on the dependency of these claims from the independent claims.

In view of the foregoing amendments and remarks, it is respectfully submitted that the prior art neither anticipates nor renders obvious the claimed invention and the pending claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully Submitted,



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